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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,046	06/30/2000	D'Arcy M. Tyrrell III	062986.0186	2977

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EXAMINER
CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
2153	7

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/609,046	TYRRELL ET AL.	
	Examiner	Art Unit	
	Anita Choudhary	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-29 are pending.

Priority

Claim priority to provisional applications 60/198,313 and 60/198,313 has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the application is 04/19/200.

Claim Objections

Claim 16 and 26 objected to because of the following informalities:

Claims 16 and 26 are exact duplicates of claim 15 and 25, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the first scheduler" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 7, 14, 21-24, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al (US Patent 6,438,576).

Huang discloses a method and apparatus for distributing rendering of data in collaborative data network (abstract). Huang shows:

- Means for receiving from a client a render job (object request) having an associated job profile (RHI-receiver hint information) (col. 5 lines 42- col. 6 line 4).
- Means for distributing the render job (object request) via a communications medium (Internet) to at least one of a plurality of render servers (proxy servers, 110-112) based at least in part on the job profile (RHI) (col. 6 lines 9- 67, col. 8 lines 30-49).
- Rendering the render job (object request) (col. 8 lines 1-11).
- Forwarding the rendered render job to a network storage system (proxy cache) for retrieval by the client (fig. 4 410, col.9 line 29-34, 43-49).

In referring to claim 2, Huang shows receiving a render job (object request) from a client computer remote from the plurality of render servers (proxy servers 110-112) (fig. 1 col. 5 lines 20-41).

In referring to claim 14, Huang shows:

A local rendering system (a local proxy servers coupled to the requesting device 110-112) operable to receive and render a render job (object request) (col. 5 line 42- col. 6 line 4).

A remote rendering system (proxy server 110-112) operable to receive from the local rendering system (local proxy server 110-112) the render job (object request) and render the render job and further operable to return a result of the render job to the local rendering system (col. 7 lines 1-42).

In referring to claim 21, Huang shows

Means for receiving a render job (object request) from a client at a first render site (local proxy server) (col. 5 lines 42- col. 6 line 4).

Means for transferring the render job from the first rendering site to a second rendering site (proxy server 110-112), the second rendering site located remote from the first rendering site (col. 6 lines 9-23).

Rendering the render job at the second rending site to produce a render result (col. 7 lines 1-22).

In referring to claim 7 and 22, Huang shows the transmitting of the render results to the client by retrieving (col. 7 lines 22-42).

In referring to claim 23, Huang shows the render result from the second render site (proxy server) transmitted to first render site (col. 7 line 64 – col. 8 line 11).

In referring to claim 24, Huang shows the storing the render results in location (cache) accessible by the client (object request) (col. 9 lines 4-15).

In referring to claim 27, Huang shows the transferring of files associated with the render job from the first site (local proxy server) to the second site (proxy server), the associated files being necessary to render the render job (col. 7 line 64- col. 8 line 11).

In referring to claim 28, Huang shows files associated with texture files (col. 6 lines 56-64).

In referring to claim 29, Huang shows that the second site (proxy server) notifies the first site (local proxy server) when the render job has been rendered (col. 7 lines 64- col. 8 line 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-6, 8-13, 15-20, 25, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Krum.

In referring to claim 8, 15, 16, 25, and 26, Huang shows substantial features including:

- A plurality of render servers (proxy servers 110-112) operable to render a render job (object request) having associated job profile (RHI) (col. 5 lines 42- col. 6 line 4).
- Means for distributing the render job (object request) via a communications medium (Internet) to at least one of a plurality of render servers (proxy servers, 110-112) based at least in part on the job profile (RHI) and server resource information (col. 6 lines 9- 67, col. 8 lines 30-49).

Although Huang shows substantial features of the claimed invention, Huang does not explicitly show a resource database or a schedule server coupled to the render server (proxy server). Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Huang, as evidenced by Krum.

In an analogous art, Krum discloses a system for distributing jobs according to a method for load balancing between a plurality of servers (fig 12). Krum shows:

- A means for a resource database (1302) comprising of resource information (configuration information) regarding the plurality of servers (col. 12 lines 40-55).
- A schedule server (farm allocator system 1201) coupled to the plurality of servers via a communications medium and operable to distribute jobs to the plurality of servers (col. 12 lines 1-67).

Given these features, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Huang in order to load balance a plurality of servers and requested jobs so that server resources are best utilized.

In referring to claim 3 and 11, 19, Krum shows scheduler (farm allocator system), operable to determine which of the servers is capable of carrying out a job (col. 12 lines 1-67).

In referring to claim 4, 5, 9, and 12, 17, Krum shows the scheduler (farm allocator system), operable to determine which server is capable of rendering the render job by accessing a database (1302) storing the capabilities and types of packages associated with each of the plurality of servers (col. 12 lines 40- 55).

In referring to claim 6, 10, and 13, 18, 20 Krum shows the storing of processing status for each of the plurality of servers (col. 12 lines 40-60).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Popa (US Patent 6,006,231) shows features of the claimed invention including receiving a render job from a client at a rendering server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
April 4, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100